

1 COREY A. SHERMAN  
2 PRO-SE LITIGANT  
3 195 41st Street  
4 Oakland, California 94611  
5 Telephone (202) 441-3095  
6 E-Mail: cs.herman0088@gmail.com  
7  
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FILED

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CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

C24-07624

No. CaseNumber

COMPLAINT

PHK

11 Corey Sherman,

12 Plaintiff,

13 v.

14 United States Department of Education,

15 Defendant.

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Pro-Se Plaintiff, COREY SHERMAN, alleges:

1. This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, for declaratory, injunctive, and other appropriate relief, including an order to produce agency records in response to FOIA requests properly made by Plaintiff, Corey Sherman (“Sherman”), to Defendant, the United States Department of Education (“DOE”).

## PARTIES

2. Corey Sherman is a post-bar associate at Weinberg, Roger & Rosenfeld, APC. Sherman is also a freelance journalist, and at the time he submitted the FOIA request at issue in this complaint, he was reporting on right wing organizations' efforts to influence state and federal education policies, goals, and standards.<sup>1</sup> He continues to report and publish.

3. DOE is an agency of the federal government that has possession and control of the records that Plaintiff seeks.

## **JURISDICTION AND VENUE**

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 5 U.S.C. § 552(a)(4)(B).

5. Venue is proper in this district under 5 U.S.C. § 552(a)(4)(B) because Plaintiff lives in this district.

6. FOIA requires agencies to make a determination as to FOIA requests within 20 business days. 5 U.S.C. § 552(a)(6)(A).

7. Plaintiff is deemed to have exhausted all administrative remedies because Defendant has failed to meet the statutory deadline to respond to the FOIA requests at issue. 5 U.S.C. § 552(a)(6)(A), (C)(i).

## FACTS

8. Sherman submitted a FOIA request to DOE seeking records related to, *inter alia*, civil rights complaints, the Holocaust, Israel, Zionism, and the Boycott Divestment and Sanctions

<sup>1</sup> Sherman published an article with *Jewish Currents* on the role played by Tennessee nonprofit, Proclaiming Justice to the Nations (PJTN), in implementing Florida's Holocaust Education standards. Sherman and *Jewish Currents* received a Rockower Award from the American Jewish Press Association (AJPA) for this article. See: <https://jewishcurrents.org/newsletter/rockower-awards>.

1 (BDS) movement. These requests seek information of high interest to the public that will shed  
 2 light on U.S. civil rights enforcement, and the efforts of private citizens to influence the U.S.  
 3 Department of Education.<sup>2</sup>

4       9. On May 10, 2021, Sherman submitted a FOIA request to DOE (“Request”). A true  
 5 and correct copy of this request, and all subsequent email communications with DOE, are attached  
 6 hereto as Exhibit A and is incorporated through reference as fully set forth herein. (Ex. A at p. 3  
 7 (submission correspondence)).

8       10. Sherman submitted his request with assistance from one of DOE’s FOIA attorneys,  
 9 Kristine Minami (“Minami”). (Ex. A at pp.1-3). On May 10, 2021, Minami sent Sherman’s FOIA  
 10 for processing. (Ex. A at p. 3).

11       11. On information and belief, Sherman sought a fee waiver because disclosure will  
 12 contribute significantly to public understanding of the Department of Education.

13       12. Sherman wrote Minami on June 28, 2021, requesting a status update. (Ex. A at p.4).  
 14 Sherman received no response from Minami or anyone at DOE.

15       13. On October 4, 2022, Sherman wrote to the DOE’s Office of Civil Rights’ (OCR)  
 16 San Francisco office. (Ex. A at p.4). Specifically, Sherman requested an estimated date of  
 17 production. Sherman offered to discuss the matter on the phone or in person.

18       14. On October 5, 2022, an OCR employee in Washington, D.C., Katie Dullum  
 19 (Dullum) wrote to Sherman stating that “[o]ur office is currently processing your request. It is  
 20 progressing and we are hopeful that you may have a response before the end of the year.” (Ex. A at  
 21 p.4).

22       15. Sherman responded on October 5, 2022, requesting confirmation that DOE will, in  
 23 fact, produce records by the end of the year. (Ex. A at p.5). Sherman further requested a response  
 24 within ten (10) days identifying the documents that will be produced or withheld and the legal  
 25 basis for withholding any documents. (*Id.*)

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26       <sup>2</sup> Sherman had reason to believe that PJTN was directly connected to the Department of  
 27 Education at the time due to an appearance by the organization’s founder, Laurie Cardoza-Moore  
 28 (LCM), on a panel with then-Secretary of Education, Betsy DeVos (DeVos). See:  
<https://www.nfrw.org/calendar/ArtMID/12559/ArticleID/2998/FIRST-Tuesday-Nationwide-Call-In-Program>.

1       16. Dullum responded to Sherman on October 6, 2022, to “assure [him] that [DOE is]  
 2 actively working on [his] request.” (Ex. A at p. 5). Dullum further stated that Sherman’s request  
 3 “continues to move forward as efficiently as is possible.” (*Id.*) Nevertheless, Dullum could not  
 4 provide Sherman a timeline of production. Dullum expressed her belief that “we will be able to  
 5 produce records that are responsive to [Sherman’s] request.” (*Id.*)

6       17. Sherman responded on October 7, 2022, and, citing legal authorities, notified  
 7 Dullum that her response was insufficient, and, citing administrative regulations, reiterated his  
 8 request for expedited processing. (*Id.*)

9       18. Dullum responded to Sherman on October 7, 2022, notifying Sherman that the  
 10 DOE had gathered documents that were at that time undergoing review. (*Id.*)

11       19. Sherman responded to Dullum asking for rolling production. In an effort to remain  
 12 collaborative with the DOE, Sherman also stated that he was withdrawing his current request for  
 13 expedited processing, but does not waive that right. (*Id.* at pp.6-7).

14       20. On February 10, 2023, Sherman wrote DOE reiterating his request for expedited  
 15 processing and notifying DOE of his intent to bring action in District Court to compel production  
 16 of the responsive records.

17       21. On November 11, 2023, Sherman wrote DOE again requesting a status update, and  
 18 informed DOE that it was unacceptable to wait for over two and a half (2.5) years for records  
 19 given that the DOE has a first-in-first out policy with FOIA responses. (*Id.* at p.8).

20       22. On November 13, 2023, Dullum responded to Sherman notifying him that his  
 21 request “has been through several layers of review and [the DOE] hopes to move it forward soon.”  
 22 (*Id.*)

23       23. Sherman wrote to DOE on October 9, 2024 again notifying DOE of its failure to  
 24 produce records or diligently process his request. (*Id.* at p.8).

25       24. Dullum wrote back to Sherman on October 9, 2024, stating that OCR had finished  
 26 its review of Sherman’s request “last year.” (*Id.* at p.9). Dullum stated that OCR had sent the  
 27 request to the FOIA Service Center (FSC), which Dullum stated “is responsible for final reviews  
 28 and processing.” (*Id.*) Dullum copied Dan McCusker (McCusker), an FSC employee, who Dullum

stated could provide a status update. Sherman responded to Dullum's email that day, and McCusker responded telling Sherman “[his] request is going through the final review stage, and we estimate the completion date will be November 1.” (*Id.* at p.10). Sherman again requested rolling production and further information from McCusker.

25. As of the date of this filing, DOE has not communicated further with Sherman about the request. DOE has produced no records and provided no substantive response.

**CLAIM 1**

26. Plaintiff repeats, re-alleges, and incorporates the allegations in the preceding paragraphs as though fully set forth herein.

27. Defendant DOE is an agency subject to FOIA, and its component OCR must release any disclosable records in its possession as of the date the agency processes this request and provide a lawful reason for withholding any materials for which it claims an exemption.

28. Defendant's failure to provide a timely, substantive response to Sherman's request violates FOIA, 5 U.S.C. § 552(a)(6)(A). Accordingly, Defendant has constructively denied Sherman's request, and Plaintiff is deemed to have exhausted all administrative remedies.

29. Defendant DOE and its component OCR are permitted to withhold records or parts of records only if one of FOIA's enumerated exemptions apply.

30. Defendant DOE has not established that any exemptions permit the withholding of records sought by Sherman's request.

31. Plaintiff is entitled to an order compelling DOE to produce records responsive to Sherman's request.

## **RELIEF REQUESTED**

WHEREFORE, Plaintiff respectfully requests that this Court:

- A. Declare that the records sought in Plaintiff's FOIA request are public under 5 U.S.C. § 552 and must be disclosed;
  - B. Order Defendant immediately to conduct a thorough search for all records responsive to Plaintiff's FOIA request and to provide the records to Plaintiff within 20 business days of this Court's order;

B. Enjoin Defendant from charging Plaintiff search, review, or duplication fees for processing its requests;

C. Award Plaintiff the costs of this proceeding, including filing fees, and reasonable attorneys' fees as expressly permitted by FOIA; and

D. Grant such other and further relief as the Court deems just and proper.

Dated: 11/04/2024

By:

~~COREY SHERMAN  
PRO-SE~~

# EXHIBIT A

11/1/24, 10:45 AM

Gmail - FOIA Request 21-01231-F



Corey Sherman &lt;cs.herman0088@gmail.com&gt;

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**FOIA Request 21-01231-F**

27 messages

**Minami, Kristine** <Kristine.Minami@ed.gov>  
To: "cs.herman0088@gmail.com" <cs.herman0088@gmail.com>

Fri, May 7, 2021 at 1:16 PM

Good afternoon –

Thanks for taking the time just now to discuss with me your FOIA request 21-01231-F (attached), as it relates to the Office for Civil Rights (OCR). Per our conversation, I understand that you are amending your request as follows. You now seek:

1. A list of complaints filed by the organization Proclaiming Justice to the Nations ("PJTN"), a nonprofit registered in Tennessee. The list should include the following data elements:
  - a. Docket number
  - b. Institution against which complaint was filed
  - c. state
  - d. Date complaint filed (case open date)
  - e. Date investigation opened, if opened
  - f. All issue codes / issue descriptions for case
  - g. Issue resolution codes / description
  - h. Date case resolved
2. Emails to or from [lauriecm@pjtn.org](mailto:lauriecm@pjtn.org) or [mikeg@pjtn.org](mailto:mikeg@pjtn.org) or [mike@b-simple.com](mailto:mike@b-simple.com) AND the following OCR staff during the period of Kenneth Marcus's tenure as Assistant Secretary in OCR (August 6, 2018 – July 31, 2020), specifically excluding any emails related to enforcement activities:
  - a. Kenneth Marcus
  - b. DAS for Policy
  - c. Director of the Program Legal group
  - d. Any senior counsel assigned to the DAS for Policy
3. Emails to or from Kenneth Marcus and Mark Meadows (WH CoS) or Betsy DeVos or anyone at a [@state.gov](mailto:@state.gov) email address with the following search terms:
  - a. Anti-Semitism
  - b. Anti-Semitic
  - c. Jews
  - d. Jewish
  - e. Anti-Zionism or Zionism
  - f. Anti-Israel
  - g. "boycott, divestment and sanctions" or "BDS"
  - h. Holocaust
  - i. Palestine

You wish to receive these records on rolling basis as they are available.

Please confirm that the above description accurately reflects our conversation and how you agree to amend your request – or provide additional clarifications/corrections. Once I have confirmation from you, I will forward your request for processing.

Thanks much,

Kristine

**Ex. A Page 1**<https://mail.google.com/mail/u/1/?ik=05048df3fb&view=pt&search=all&permthid=thread-f:1699132030106023635&simpl=msg-f:16991320301060236...>

1/11

11/1/24, 10:45 AM

Gmail - FOIA Request 21-01231-F

**Kristine Minami****Director, FOIA Division (HQ)****Office for Civil Rights | US Department of Education****400 Maryland Avenue, SW | Washington, DC 20202****Direct: (202) 453-6626****Pronouns: she/her/hers**

Sherman 2.pdf

215K

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**Corey Sherman <cs.herman0088@gmail.com>**  
To: "Minami, Kristine" <Kristine.Minami@ed.gov>

Fri, May 7, 2021 at 2:18 PM

Hi Kristine,

Thank you very much for helping me clarify the request. Reproduced here with only minor revisions in red. Please confirm the modifications. Thank you again and have a good weekend.

1. A list of complaints filed by the organization Proclaiming Justice to the Nations ("PJTN"), a nonprofit registered in Tennessee. The list should include the following data elements:
  1. Docket number
  2. Institution against which complaint was filed
  3. state
  4. Date complaint filed (case open date)
  5. Date investigation opened, if opened
  6. All issue codes / issue descriptions for case
  7. Issue resolution codes / description
  8. Date case resolved
2. Emails to or from [lauriecm@pjtn.org](mailto:lauriecm@pjtn.org) or [mikeg@pjtn.org](mailto:mikeg@pjtn.org) or [mike@b-simple.com](mailto:mike@b-simple.com) or anyone with an [@pjtn.org email](mailto:@pjtn.org) AND the following OCR staff during the period of Kenneth Marcus's tenure as Assistant Secretary in OCR (August 6, 2018 – July 31, 2020), specifically excluding any emails related to enforcement activities:
  1. Kenneth Marcus
  2. DAS for Policy
  3. Director of the Program Legal group
  4. Any senior counsel assigned to the DAS for Policy
3. Emails to or from Kenneth Marcus and Mark Meadows (WH CoS) or Betsy DeVos or anyone at a [@state.gov](mailto:@state.gov) email address with the following search terms:
  1. Anti-Semitism or antisemitism
  2. Anti-Semitic or antisemitic
  3. Jews or Jew or Judaism
  4. Jewish
  5. Anti-Zionism or Zionism
  6. Anti-Israel or Israel

11/1/24, 10:45 AM

Gmail - FOIA Request 21-01231-F

7. "boycott, divestment and sanctions" or "BDS" (note: BDS may also be referred to shorthand as "boycott" or "boycott movement")
8. Holocaust
9. Palestine

Corey  
202-441-3095

[Quoted text hidden]

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Minami, Kristine <Kristine.Minami@ed.gov>  
To: Corey Sherman <cs.herman0088@gmail.com>

Mon, May 10, 2021 at 5:50 AM

Good morning –

Thanks for your quick response. I recommend the following changes to your request to simplify things. Please let me know if the below amendment is acceptable.

Thanks,

Kristine

[Quoted text hidden]

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Corey Sherman <cs.herman0088@gmail.com>  
To: "Minami, Kristine" <Kristine.Minami@ed.gov>

Mon, May 10, 2021 at 7:01 AM

Hi Kristine. That looks good. Thank you!

Corey

On May 10, 2021, at 05:50, Minami, Kristine <Kristine.Minami@ed.gov> wrote:

[Quoted text hidden]

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Minami, Kristine <Kristine.Minami@ed.gov>  
To: Corey Sherman <cs.herman0088@gmail.com>

Mon, May 10, 2021 at 7:07 AM

Thanks. I'll forward this for processing.

Kristine

[Quoted text hidden]

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Corey Sherman <cs.herman0088@gmail.com>  
To: "Minami, Kristine" <Kristine.Minami@ed.gov>

Mon, Jun 28, 2021 at 12:12 PM

11/1/24, 10:45 AM

Gmail - FOIA Request 21-01231-F

Hi Kristine,

Thanks so much for your help in filing this FOIA last month. I'm wondering if you know of its status and when I might receive a reply. Thanks and I hope you are well.

Corey

[Quoted text hidden]

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**Corey Sherman** <cs.herman0088@gmail.com>  
To: ocr.sanfrancisco@ed.gov

Tue, Oct 4, 2022 at 11:47 AM

Hello --

This is Corey Sherman. I am following up on a voicemail I just left for the office. I am a law student based here in San Francisco. I've had the request below outstanding for 2.5 years. I would like an update on it, and specifically, an estimated date of production. Thank you! Feel free to call me at the number below. I am also available to come to the Ed. office in SF to discuss in person. Take care.

Corey

202-441-3095

[Quoted text hidden]

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**Dullum, Katie** <Katie.Dullum@ed.gov>  
To: "cs.herman0088@gmail.com" <cs.herman0088@gmail.com>

Wed, Oct 5, 2022 at 1:58 PM

Good Afternoon Corey,

I hope you're doing well.

The email below was shared with me so I could provide you with an update. Our office is currently processing your request. It is progressing and we are hopeful that you may have a response before the end of the year.

Best,

Katie

**Katie Dullum** (she/her/hers)

FOIA Deputy Director, OPEN Center

Office for Civil Rights, U.S. Department of Education

400 Maryland Avenue SW

Washington, DC 20202-1475

p. (202) 453-6389 f. (202) 245-8390

[katie.dullum@ed.gov](mailto:katie.dullum@ed.gov)

11/1/24, 10:45 AM

Gmail - FOIA Request 21-01231-F

**From:** Corey Sherman <cs.herman0088@gmail.com>  
**Sent:** Tuesday, October 4, 2022 11:47 AM  
**To:** OCR San Francisco <OCR.SanFrancisco@ed.gov>  
**Subject:** Fwd: FOIA Request 21-01231-F

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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**Corey Sherman** <cs.herman0088@gmail.com>  
To: "Dullum, Katie" <Katie.Dullum@ed.gov>

Wed, Oct 5, 2022 at 4:57 PM

Hello Katie,

Thank you for getting back to me. I am well, and wish you the same.

Please confirm that when you say I "may [receive] a response before the end of the year" you are referring to the production of the records in question. If so, please notify me in 10 days of the documents that will be produced, or withheld -- and in the case of the latter please state the legal basis for withholding any such documents.

Expediting my request is appropriate at this point, because I submitted my request almost 18 months ago. It is without question that I am deemed to have exhausted my administrative remedies. Moreover, I submitted the request with the assistance of Departmental staff. Therefore, it is indisputable that my request reasonably described records. Put differently: I know Ms. Minami did not *intentionally* help me draft an unreasonably worded request. My request's status has not changed in the past 18 months; but, per the Department's logs, requests submitted after mine have been completed. Thus, while I am grateful for you breaking the silence on behalf of the Department, I respectfully insist that you provide the more specific response (above) about the documents to be produced or withheld.

I completely understand the pressures facing federal agencies with regards to staffing and funding. Moreover, I recognize that Ms. Minami departed the Department for the NLRB. Still, these circumstances do not meet the exigent or unusual circumstances that FOIA contemplates.

If you would like to discuss this matter over the phone, please call me any time at the number below. In my experience, open channels of communication such as the type I had with Ms. Minami -- and now with you -- makes these requests much easier for all involved.

Thanks again, Katie, and I look forward to resolving this matter with you.

Corey  
202-441-3095  
[Quoted text hidden]

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**Dullum, Katie** <Katie.Dullum@ed.gov>  
To: Corey Sherman <cs.herman0088@gmail.com>

Thu, Oct 6, 2022 at 6:35 AM

Good Morning Corey,

I understand your frustrations and apologize for the length of time that has passed since your request was submitted. I can assure you that we are actively working on your request. I will ensure it continues to move forward as efficiently as is possible.

At this time I cannot provide a definite outline of what documents will be produced or withheld and why. The documents must be fully processed first. That said, I do believe we will be able to produce records that are responsive to your request though they will, like all requests, be redacted consistent with the FOIA requirements. Along with the responsive

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documents you will receive a letter outlining what was produced and withheld and the legal bases for any withholdings or redactions.

I appreciate your understanding and patience as we work to complete your request.

Best

[Quoted text hidden]

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**Corey Sherman** <cs.herman0088@gmail.com>  
To: "Dullum, Katie" <Katie.Dullum@ed.gov>

Fri, Oct 7, 2022 at 8:07 AM

Hi Katie,

Thanks for the update. Can you please clarify what work has been done, and what needs to be done? I take your assurances in good faith. Still, I need to know that these assurances are more than "an initial statement that the [Department] will generally comply with [my] FOIA request and will produce non-exempt documents and claim exemptions in the future." *Citizens for Responsibility and Ethics in Washington v. FEC*, 711 F.3d 180, 188 (D.C. Cir. 2013). Has the Department "actually gather[ed] the responsive documents[?]" *Id.* at 187. Has any reviewing begun? Or did these efforts just begin as a result of my emails and phone calls? Please provide some clarification.

Absent sufficient clarification, I must formally restate my request for expedited processing, which, under the Department's regulations, can occur at any stage. 34 CFR 5.21(i)(2)(ii). The extensive delays and radio silence indicate that the Department has not "exercis[ed] due diligence," 5 USC 552(a)(6)(C)(i), in processing my request. Coupled with the fact that I am "a person primarily engaged in disseminating information to inform the public about an actual or alleged Federal Government activity," 34 CFR 5.21(i)(2)(i)(B) (see i.e., <<https://jewishcurrents.org/author/corey-sherman>>), the unreasonable delays are "circumstances that...demonstrate a compelling need for expedited processing." 34 CFR 5.21(i)(2)(i)(B).

It is not my intent to place an undue burden on the Department. At this stage, what I need is clarification on the work done, and the work that needs to be done. You can provide that information to me informally. If you are not, at this time, able to do so -- or do so with sufficient detail -- I formally request expedited processing for the reasons enumerated above. Feel free to reach out to me by phone.

Thank you again.

Corey  
202-441-3095  
[Quoted text hidden]

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**Dullum, Katie** <Katie.Dullum@ed.gov>  
To: Corey Sherman <cs.herman0088@gmail.com>

Fri, Oct 7, 2022 at 11:52 AM

Good Afternoon Corey,

Your request is certainly past the stage of an initial statement regarding our obligation to comply with your FOIA request. The Department has gathered documents, but those documents go through a thorough review process to ensure compliance with the FOIA before documents can be released. Your request is currently moving through that process.

[Quoted text hidden]

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**Corey Sherman** <cs.herman0088@gmail.com>  
To: "Dullum, Katie" <Katie.Dullum@ed.gov>

Fri, Oct 7, 2022 at 12:16 PM

Thanks, Katie. If rolling production is possible, I would prefer that over waiting until the end of the year.

Enjoy your long weekend (surprised you responded after I saw your auto reply)! **Ex. A Page 6**

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NB: While I am not currently requesting expedited review for the reasons I enumerated in the previous email, nothing herein waives that right.

Corey

[Quoted text hidden]

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Dullum, Katie <Katie.Dullum@ed.gov>  
To: Corey Sherman <cs.herman0088@gmail.com>

Fri, Oct 7, 2022 at 4:36 PM

Hi Corey,

No problem. I'm here to answer any questions you have, as best I can. I'll check into the possibility of rolling production.

[Quoted text hidden]

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Corey Sherman <cs.herman0088@gmail.com>  
To: "Dullum, Katie" <Katie.Dullum@ed.gov>, Alison.Langley@ed.gov, "Gregory.smith@ed.gov" <gregory.smith@ed.gov>

Fri, Feb 10, 2023 at 2:50 PM

Good afternoon:

This email formally restates my request for expedited processing. 34 CFR 5.21(i)(2)(ii). The extensive delays and radio silence indicate that the Department has not "exercis[ed] due diligence," 5 USC 552(a)(6)(C)(i), in processing my request. Coupled with the fact that I am "a person primarily engaged in disseminating information to inform the public about an actual or alleged Federal Government activity," 34 CFR 5.21(i)(2)(i)(B) (see i.e., <<https://jewishcurrents.org/author/corey-sherman>>), the unreasonable delays are "circumstances that...demonstrate a compelling need for expedited processing." 34 CFR 5.21(i)(2)(i)(B).

My request was submitted in May, 2021. I contacted the department in October. You told me that I may receive a response before the end of the year. I never received a response. Nor did you inform me of the Department's decision regarding rolling production.

As the link above shows, I am primarily engaged in disseminating information to inform the public about an actual Federal Government activity. As your responses have indicated, you have identified responsive records. Thus, there is no "alleged Federal Government activity." Rather there is known activity -- the records pertaining to which you have not provided.

I look forward to receiving your determination in ten days. In the event that you fail to respond within ten days, I will initiate a district court action to compel production. Thank you.

Corey

[Quoted text hidden]

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Corey Sherman <cs.herman0088@gmail.com>  
To: "Dullum, Katie" <Katie.Dullum@ed.gov>, Alison.Langley@ed.gov, "Gregory.smith@ed.gov" <gregory.smith@ed.gov>

Mon, Feb 13, 2023 at 9:10 AM

Good morning --

I hope you all had a nice weekend. Because I know that the email below was sent after COB in D.C., I am following up today to confirm receipt. At your nearest convenience, please confirm receipt and please confirm that you have begun the expedited review. In addition to email, you can reach me at the phone number below.

Corey

202-441-3095

[Quoted text hidden]

Ex. A Page 7

11/1/24 10:45 AM

Gmail - FOIA Request 21-01231-E

**Corey Sherman** <cs.herman0088@gmail.com>

To: "Dullum, Katie" &lt;Katie.Dullum@ed.gov&gt;, Alison.Langley@ed.gov, "Gregory.smith@ed.gov" &lt;gregory.smith@ed.gov&gt;

Sat, Nov 11, 2023 at 8:49 AM

Hello: What is the status of this request? I filed it over two years ago. This is unacceptable, given your department's first-in-first-out policy. Please immediately provide an update.

**Corey**

[Quoted text hidden]

**Dullum, Katie** <Katie.Dullum@ed.gov>

To: Corey Sherman &lt;cs.herman0088@gmail.com&gt;, "Alison.Langley@ed.gov" &lt;Alison.Langley@ed.gov&gt;, "Smith, Gregory" &lt;Gregory.Smith@ed.gov&gt;

Mon, Nov 13, 2023 at 6:46 AM

Good Morning Corey –

We are currently processing your request. It has been through several layers of review and we hope to move it forward soon.

Best

Katie

**Katie Dullum** (she/her)**FOIA Deputy Director, OPEN Center**

U.S. Department of Education, Office for Civil Rights

p. (202) 453-6389

[Quoted text hidden]

**Corey Sherman** <cs.herman0088@gmail.com>

To: "Dullum, Katie" &lt;Katie.Dullum@ed.gov&gt;

Cc: "Alison.Langley@ed.gov" &lt;Alison.Langley@ed.gov&gt;, "Smith, Gregory" &lt;Gregory.Smith@ed.gov&gt;

Wed, Oct 9, 2024 at 10:07 AM

Hello --

It has been over 3 years since I submitted this request. Nearly one year ago you informed me that my request has "been through several layers of review and [you] hope to move it forward soon." Nothing has happened. Please provide an update ASAP.

**Corey**

[Quoted text hidden]

**Mail Delivery Subsystem** <mailer-daemon@googlemail.com>

To: cs.herman0088@gmail.com

Wed, Oct 9, 2024 at 10:07 AM

11/1/24, 10:45 AM

Gmail - FOIA Request 21-01231-F



## Message blocked

Your message to **Alison.Langley@ed.gov** has been blocked.  
See technical details below for more information.

The response from the remote server was:

550 5.4.1 Recipient address rejected: Access denied. [BL02EPF0001B419.namprd09.prod.outlook.com  
2024-10-09T17:07:40.961Z 08DCE58030332BCD]

Final-Recipient: rfc822; [Alison.Langley@ed.gov](mailto:Alison.Langley@ed.gov)

Action: failed

Status: 5.4.1

Remote-MTA: dns; [ed-gov.mail.protection.outlook.com](mailto:ed-gov.mail.protection.outlook.com). (52.101.9.19, the server  
for the domain [ed.gov](http://ed.gov).)

Diagnostic-Code: smtp; 550 5.4.1 Recipient address rejected: Access denied. [BL02EPF0001B419.namprd09.  
prod.outlook.com 2024-10-09T17:07:40.961Z 08DCE58030332BCD]

Last-Attempt-Date: Wed, 09 Oct 2024 10:07:42 -0700 (PDT)

----- Forwarded message -----

From: Corey Sherman <cs.herman0088@gmail.com>

To: "Dullum, Katie" <Katie.Dullum@ed.gov>

Cc: "Alison.Langley@ed.gov" <Alison.Langley@ed.gov>, "Smith, Gregory" <Gregory.Smith@ed.gov>

Bcc:

Date: Wed, 9 Oct 2024 10:07:27 -0700

Subject: Re: FOIA Request 21-01231-F

----- Message truncated -----

Wed, Oct 9, 2024 at 11:34 AM

Dullum, Katie <Katie.Dullum@ed.gov>

To: Corey Sherman <cs.herman0088@gmail.com>

Cc: "McCusker, Daniel" <daniel.mccusker@ed.gov>

Hi Corey –

OCR finished our portion of the FOIA process last year. It was then forwarded to the FOIA Service Center (FSC) which is responsible for final reviews and processing. I've copied Dan McCusker here – he works for FSC and can hopefully provide you with an update on your request.

Thanks

Katie

11/1/24, 10:45 AM

Gmail - FOIA Request 21-01231-F

**Katie Dullum** (she/her)

FOIA Deputy Director, OPEN Center

U.S. Department of Education, Office for Civil Rights

p. (202) 453-6389

[katie.dullum@ed.gov](mailto:katie.dullum@ed.gov)

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**Corey Sherman** <cs.herman0088@gmail.com>  
To: "Dullum, Katie" <Katie.Dullum@ed.gov>  
Cc: "McCusker, Daniel" <daniel.mccusker@ed.gov>

Wed, Oct 9, 2024 at 11:44 AM

Thank you, Katie.

Good to be connected with you, Daniel. I look forward to hearing from you as soon as possible.

**Corey**

[Quoted text hidden]

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**McCusker, Daniel** <daniel.mccusker@ed.gov>  
To: Corey Sherman <cs.herman0088@gmail.com>, "Dullum, Katie" <Katie.Dullum@ed.gov>

Wed, Oct 9, 2024 at 1:39 PM

Good afternoon,

Your request is going through the final review stage, and we estimate the completion date will be November 1.

**Daniel McCusker | Government Information Specialist**

FOIA Service Center | Office of the Deputy Secretary

U.S. Department of Education

[400 Maryland Ave. SW](#)[Washington, DC 20202-4510](#)

FOIA Hotline (202) 401-8365

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**Corey Sherman** <cs.herman0088@gmail.com>  
To: "McCusker, Daniel" <daniel.mccusker@ed.gov>  
Cc: "Dullum, Katie" <Katie.Dullum@ed.gov>

Wed, Oct 9, 2024 at 1:43 PM

Hi Daniel,

**Ex. A Page 10**

11/1/24, 10:45 AM

Gmail - FOIA Request 21-01231-F

Thank you for this update. Are you able to provide any more information on the nature of the review being undertaken? In addition, can you please provide me with an explanation/summary of the records identified, the total volume of records, and the nature of exemptions your agency is claiming, if any?

Lastly, if there are portions of the records for which review is complete, can you please begin to release them? As I stated in my October 7, 2022 email to Katie, I would like rolling production. Surely at this point there are records that can be released.

Thanks again,

Corey

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**Corey Sherman** <cs.herman0088@gmail.com>  
To: "McCusker, Daniel" <daniel.mccusker@ed.gov>  
Cc: "Dullum, Katie" <Katie.Dullum@ed.gov>

Fri, Nov 1, 2024 at 6:45 AM

Good morning, Daniel. I look forward to receiving the Department's responses and records today. Please notify me if this will not occur.

Thanks,

Corey

On Oct 9, 2024, at 13:39, McCusker, Daniel <[daniel.mccusker@ed.gov](mailto:daniel.mccusker@ed.gov)> wrote:

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[Quoted text hidden]  
[Quoted text hidden]

[Quoted text hidden]

<image001.jpg>

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